



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,150	06/30/2003	Masaru Fuji	1341.1155	8161

21171 7590 01/30/2007
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

NEWAY, SAMUEL G

ART UNIT	PAPER NUMBER
----------	--------------

2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/608,150	Applicant(s) FUJI, MASARU	
	Examiner Samuel G. Neway	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05/24/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is responsive to the Application filed on 30 June 2003.

Drawings

2. Figures 12 and 13 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 19 – 27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 19 – 27 are directed to a computer program alone, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer

Art Unit: 2626

programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 –5, 8 – 14, 17 – 23, and 26 – 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Church et al. (USPN 5,850,561).

Claim 1:

Church discloses a translation apparatus that translates a translation target sentence in a source language into a translation sentence in a target language (Abstract), comprising:

a translation sample storing unit that stores in a correlated form each source word in sample sentences in the source language and a translation word that represents translation of the corresponding source word in the target language ("the

Art Unit: 2626

document data base 150 also includes aligned text pairs 154 ... aligned text pairs 154 is a pair of documents which are translation of one another and which have been aligned " col. 6, lines 19-25, see also FIG. 1B, items 150, 154, and related text);

a translation compiling unit that compiles and extracts, from amongst the translation words stored, the translation words that correspond to each word in the translation target sentence as translation candidate words ("the glossary development tool 170 will search the source text of the aligned text pair 154 for each term ... and provide candidate translations" col. 7, lines 29-33, see also FIG. 1B, item 170, and related text);

and a display controlling unit that displays the translation words extracted by the translation compiling unit along with a specific word in the translation target sentence ("the candidate translations ... are presented on the display 36", col. 15, lines 38-41, see also FIG. 9 and related text).

Claim 2:

Church discloses the translation apparatus according to claim 1,

wherein the translation compiling unit comprises a translation word list creating unit that refers to the translation word corresponding to each word stored in a correlated form in the translation sample storing unit and creates a translation word list corresponding to the specific word (FIG. 8, item 840 and related text);

and a translation candidate word extracting unit that extracts, from the translation word list created by the translation word list creating unit, disparate translation words as they are as translation candidate words, and the translation words that appear more

Art Unit: 2626

than once by collectively extracting them as a single translation candidate word, and the display controlling unit displays the translation candidate words extracted by the translation extracting unit along with the specific word (FIG. 8, item 860 and related text, FIG. 9 and relate text).

Claim 3:

Church discloses the translation apparatus according to claim 2, wherein the translation compiling unit comprises a translation word counting unit that refers to the translation word list created by the translation word creating unit and calculates, for each translation candidate word extracted by the translation extracting unit, the number of translation words corresponding to the translation candidate word, and the display controlling unit displays, for each translation candidate word, the number of translation words calculated by the translation word counting unit (FIG. 9, item 920 and related text. Note that a word-counting unit is inherent in determining the frequency of a word).

Claim 4:

Church discloses the translation apparatus according to claim 2, wherein the translation compiling unit further comprises a translation candidate word counting unit that calculates the number of translation candidate words extracted by the translation candidate word extracting unit, and the display controlling unit displays the specific word in a distinguishable form depending on the number of translation candidate words calculated by the translation candidate word counting unit (FIG. 9, item 920 and related text. Note that a word-counting unit is inherent in determining the frequency of a word).

Claim 5:

Church discloses the translation apparatus according to claim 1, wherein the display controlling unit displays, for every translation candidate word, one or both of the sample sentences in the target language that include the translation candidate word, and the sample sentences in the source language that correspond the sample sentences in the target language (FIG. 9, item 930 and related text).

Claim 8:

Church discloses the translation apparatus according to claim 1, further comprising a source language sentence analyzing unit that analyzes a plurality of words constituting the translation target sentence in the source language, wherein the translation compiling unit compiles, for each word analyzed by the source language sentence analyzing unit, corresponding translation words, and extracts the translation candidate words; and the display controlling unit displays, for each word analyzed by the source language sentence analyzing unit, the translation candidate words compiled and extracted by the translation compiling unit (FIG. 9, and related text).

Claim 9:

Church discloses the translation apparatus according to claim 1, further comprising a translation word receiving unit that receives, through selection by the user from amongst the translation candidate words displayed by the display controlling unit, the translation candidate word to be implemented as the translation word for the specific word in the source language, wherein the translation sample storing unit stores in a correlated form the specific word in the source language and the translation target word

Art Unit: 2626

received by the translation word receiving unit as a new sample text (FIG. 9, item 972 and related text).

Claims 10 – 14, and 17 – 18 are similar in scope and content to claims 1 – 5, and 8 – 9 and are rejected with the same rationale.

Claims 19 – 23, and 26 – 27 are similar in scope and content to claims 1 – 5, and 8 – 9 and are rejected with the same rationale.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6 – 7, 15 – 16, and 24 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Church et al. (USPN 5,850,561) in view of Greene et al. (USPGPub 2002/0198699).

Claim 6:

Church discloses the translation apparatus according to claim 1, but Church does not explicitly disclose wherein the translation sample storing unit stores a specific sentence by correlating the sentence with any one or more of a field to which the sentence belongs, a name of a translator who translated the sentence, and a date on which the sentence was translated; and the display controlling unit displays, for each translation candidate word, the field, the name of the translator, and the date that are

Art Unit: 2626

stored, by the translation sample storing unit, correlated to the sentence that includes the translation candidate word.

Greene discloses an apparatus for providing open source language translation where a translated sentence is correlated with any one or more of a field to which the sentence belongs ("a parental guidance rating of the translation", [0037]), a name of a translator who translated the sentence ("the user-translator submit his/her name", [0037]), and a date on which the sentence was translated ("markers in the media and translation, such as a timestamp or the like", [0048]); and the display controlling unit displays, for each translation candidate word, the field, the name of the translator, and the date that are stored, by the translation sample storing unit, correlated to the sentence that includes the translation candidate word ("this information, or portions thereof, may further be provided as metadata regarding the translation that may be viewable by users", [0037]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to store the translator's name, the date of the translation, and a field to which the sentence belongs in Church's apparatus in order to, for example, "limit the user-translators from which translations may be uploaded" (Greene, [0037]).

Claim 7:

Church discloses the translation apparatus according to claim 1, but he does not explicitly disclose wherein the translation sample storing unit stores the specific sentence by correlating the sentence with any one or more of the field to which the sentence belongs, the name of the translator who translated the sentence, and the date

on which the sentence was translated, and the translation apparatus further comprises a search condition receiving unit that receives any one or more of the field, the name of the translator, and the date, stored correlated to the sentence by the translation sample storing unit, as a search condition by a user, wherein the translation compiling unit compiles, from amongst the translation words stored in the translation sample storing unit, the translation words that satisfy the search condition received by the search condition receiving unit, and extracts the target candidate words.

Greene discloses an apparatus for providing open source language translation where a translated sentence is correlated with any one or more of the field to which the sentence belongs ("a parental guidance rating of the translation", [0037]), the name of the translator who translated the sentence ("the user-translator submit his/her name", [0037]), and the date on which the sentence was translated ("markers in the media and translation, such as a timestamp or the like", [0048]), and the translation apparatus further comprises a search condition receiving unit that receives any one or more of the field, the name of the translator, and the date, stored correlated to the sentence by the translation sample storing unit, as a search condition by a user, wherein the translation compiling unit compiles, from amongst the translation words stored in the translation sample storing unit, the translation words that satisfy the search condition received by the search condition receiving unit, and extracts the target candidate words ("this information, or portions thereof, may further be provided as metadata regarding the translation that may be viewable by users during their selection of a translation for download", [0037]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to store the translator's name, the date of the translation, and a field to which the sentence belongs in Church's apparatus in order to, for example, "correlate other translations provided by the same user-translator" (Greene, [0037]).

Claims 15 – 16 are similar in scope and content to claims 6 – 7 and are rejected with the same rationale.

Claims 24 – 25 are similar in scope and content to claims 6 – 7 and are rejected with the same rationale.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mercier (USPGPub 20030105621) discloses a method for providing a user target language translation proposals for a source language sequence. The user is able to select and/or modify the translation and save it for future use.

Hargrave, III et al. (USPN 6,131,082) discloses a translation memory for computer assisted translation based upon an aligned file having a number of source language text strings paired with target language text strings.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

Art Unit: 2626

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SN

SN


DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600